

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH FALK
Assistant Federal Public Defender
3 STEVEN J. KOENINGER
Research and Writing Attorney
4 19th Floor Federal Building – Box 36106
450 Golden Gate Avenue
5 San Francisco, CA 94102
Telephone: (415) 436-7700

6 Counsel for Defendant-Appellant ELLER
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-06-0735 MHP
)	
12 Plaintiff-Appellee,)	STIPULATION AND PROPOSED
)	ORDER REGARDING SCHEDULE FOR
13 v.)	APPELLATE BRIEFING
)	
14 KENNETH ELLER,)	
)	
15 Defendant-Appellant.)	
_____)	

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17 On November 7, 2006, Defendant-Appellant Kenneth Eller was charged in a one-count
18 Information with the taking of a marine mammal in violation of 16 U.S.C. § 1327(a)(2), a Class
19 A misdemeanor. Following a jury trial in June 2007, Mr. Eller was convicted of the sole count
20 charged in the Information.

21 On October 15, 2007, the United States Magistrate Judge Nandor J. Vadas sentenced Mr.
22 Eller to a nine-month term of custody and ordered that the sentence be stayed pending appeal.
23 Mr. Eller timely filed a notice of appeal that same day, and the case was later reassigned to this
24 Court for purposes of the appeal. All requested court transcripts have been recently completed
25 and filed with the district court.

26 Government counsel and counsel Mr. Eller have met and conferred regarding a briefing

1 calendar for this appeal, and have agreed upon the following:

- 2 • Mr. Eller shall file his opening brief and excerpts of record on March 24, 2008;
- 3 • The government shall file its responsive briefing and any supplemental excerpts of
- 4 record on May 5, 2008; and
- 5 • Mr. Eller shall file his reply brief, if any, on May 19, 2008.

6 The parties also request that, upon completion of briefing, the Court set a date for oral argument
7 as it deems appropriate.

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9 IT IS SO STIPULATED.

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11 DATED: January 31, 2008

_____/s/
DEREK OWENS
Assistant United States Attorney

13
14 DATED: January 31, 2008

_____/s/
ELIZABETH FALK
Counsel for KENNETH ELLER

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17
18 ~~PROPOSED~~ ORDER

19 Pursuant to the parties' stipulation, the Court adopts the proposed appellate briefing
20 calendar set forth above. Following the completion of briefing, the Court will set a date for oral
21 argument as it deems appropriate.

22 IT IS SO ORDERED.

23
24 DATED: 2/1/2008 _____

